

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A USED CAR LOT AT 203 N. M-291 HIGHWAY, IN INDEPENDENCE, MISSOURI.

WHEREAS, the application submitted by the City of Independence, requesting approval of a Special Use Permit to allow the operation of a used car lot on property at 203 N. M-291 Highway, was referred to the Planning Commission; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a Special Use Permit by the City following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on May 24, 2022, and rendered a report to the City Council recommending the Special Use Permit be approved failed by a vote of 1-5; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on June 21, 2022, and rendered a decision to approve the Special Use Permit for the said property; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request was consistent with the review criteria in Section 14-704-09.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. The following described tract of real estate is hereby declared subject to the Special Use Permit approved by this ordinance. The site is legally described as follows:

All that part of Lots 13 and 19, subdivision of Allin Farm and all that part of Lot 235, Salisbury Hills, both being subdivisions in Independence, Jackson County Missouri, together with the vacated County Road lying South of Third Street North, vacated by Court Order filed for record May 15, 1957, under Document No. 682675, in Book 1315 at Page 39, all more particularly described as follows:

Beginning at the Northwest corner of Lot 235, Salisbury Hills; thence East 72.62 feet; thence South 115 feet; thence South 68 degrees 32 minutes West; 96.66 feet to the Northwesterly line of the Right-of-Way of U.S. Highway No. 71 By-Pass, 60.00 feet from the centerline thereof; thence North 18 degrees 31 minutes West along said Right-of-Way line, 158.42 feet to a point due West of the Northwest corner of said Lot 235; thence East 67.38 feet to the Point of Beginning.

SECTION 2. That the Special Use Permit is hereby approved with the conditions listed below.

1. No vehicles shall be displayed, stored, or parked in the right-of-way or in the gravel/grass area on the sides and rear of the building.
2. The parking lot shall be resealed and re-stripped in accordance with City Code requirements with one of the spaces must be designated a van-accessible ADA space with proper markings and signage with at least three customer parking spaces shall be provided.

3. Landscaping must be provided in accordance with City Code standards.
4. If a trash dumpster is to be placed on the site, a masonry trash enclosure must be constructed.
5. All site improvements shall be completed prior to a City business license being approved for the vehicles sales business.
6. The trailer/shed currently along the highway used for signage must be removed and replaced with a sign in accordance with the City Code. The use of this trailer/shed for a sign is not permitted by the City Code.
7. The drive entrance width from E. 3rd Street shall be reduced to provide better safety at this offset intersection.

SECTION 3. Any other uses on the property described by Section 1 of this Ordinance shall be governed by the base zoning district and other applicable regulations of the Unified Development Ordinance.

SECTION 4. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 5. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 6. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2022, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

Special Use Permit Case 22-200-06
203 N. M-291 Highway
5/27/22-bb

City Manager